



No.5



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . Nos.22769 and 22771 of 2022

1. Selvaraj
2. Antoniraj @ Prabhakaran

... Petitioners/Accused 1 & 2
in Crl.O.P.(MD)No.22771 of 2022

1. Philip @ Arul Philip
2. Anto @ Anto Nallaiah
3. Babu Alexander

... Petitioners/Accused 3 to 5
in Crl.O.P.(MD)No.22769 of 2022

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Crime No.56 of 2022.

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioners : M/s.Venkatesh D,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

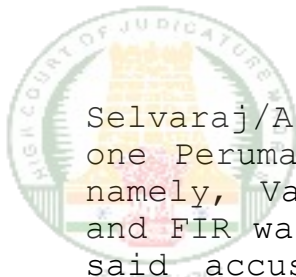
For Bail in Crime No.56 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 14.03.2022 (A3 & A4), 10.03.2022 (A5) and 20.04.2022 (A1 & A2) for the offence under Sections 147, 148, 294(b), 506(ii) and 302 IPC, in Crime No.56 of 2022, seek bail.

2.The case of the prosecution is that in the year 2016, Rajan and his wife Leela @ Selva Leela and their sons, namely,

<https://www.mhc.tn.gov.in/judis>



Selvaraj/A1, Prabakaran/A2 and Philip/A3 have attempted to murder one Perumal and in this regard, the de-facto complainant's brother namely, Vaigundam lodged a complaint before the respondent police and FIR was registered in Crime No.78 of 2016. During the trial, the said accused persons threatened the witness/de-facto complainant stated that he should not give evidence in the Court. Further on 03.03.2022, the said Vaigundam gave evidence in chief against the said accused persons. On 10.03.2022, when the said Vaigundam is about to attend the Court for cross examination at about 09.45 hours, all the accused persons murdered him. Hence, the case came to be registered.

3.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the petitioners 1 to 4 have already been convicted by the learned Principal Sessions Judge, Tirunelveli in S.C.No.57 of 2018, dated 11.10.2022 to undergo for a period of five years Rigorous Imprisonment and the fifth petitioner and other accused after obtaining bail in this case, they have attempted to commit murder of the witness, namely, Mariraj and in this regard FIR was registered against them. Pursuant to the conviction, the accused are already in Judicial custody. He would further submit that even if bail is granted to these petitioners in this case, they would not be released on bail because, they have already convicted in S.C.No.57 of 2018.

4.In view of the above, this Criminal Original Petitions are dismissed for the present.

sd/-

22/12/2022

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/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE, TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD).Nos.22769 & 22771 of 2022

Date :22/12/2022